IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26171 of 1997

Between:

1 Seedsmen Association, A.P Hyderabad rep. by its Hony

Secretary, S. Venkat Reddy, S/o Ayyappa Reddy,
having its Office at 3rd Floor, Shop No.50, Abids

Shopping centre, Hotel Emrold .
R/o 3-6-65/1/5, Basheerbagh, Hyderabad.

2 Maharashtra Hybrid Seeds Co. Limited Rep. by Assistant

General Manager,Marketing-Sri K. Suresh,
Bolck No.6, 2nd Floor, Unity House, Abids Raod,
Hyderabad.

3 I M L Seeds Pvt. Ltd.,
3-6-290/19, II Floor,, Sadhana Buildings,
Hyderguda, Hyderabad.

..... PETITIONERS

AND

1 The Principal Secretary to Government, Agricultural

Department, Hyderabad.
2 The Director-cum-Commissioner of Agri. Markerting

Committee Burgula Ramakrishna Rao Building, Hyderabad.
(dismissed for default as per court order dt:24.8.00 as

against RR2)
3 All Agriculture Marketing Committees in the State of A.P.,

rep. by Director Cum Commissioner,
Marketing Hyderabad.
(dismised for default as per court order dt:24.8.00 as

against RR3)
4 The Secretary Gr.II Agriculture Marketing Committee,
Kishangunj, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the Respondent in compelling the petitioners 2 & 3 to obtain licence under sec.7 of the A.P. Agricultural Produce and Live Stock Markets Act, 1966 through impugned notice dt:11.8.97 vide No.AMCH/SCK/74/97-98 issued by the Respondents No.4 as illegal, arbitrary and set aside the same.

Counsel for the Petitioner:MR.RAMESH KUMAR NAYANI

Counsel for the Respondents.: GP FOR AGRICULTURE

The Court made the following :

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26171 of 1997

ORDER:

This writ petition is covered by the common order, dated

08-02-2005, passed by this Court in W.P.No.13527 of 2004 & batch. Following the same, the writ petition is ordered, directing that,

a. Seeds developed and manufactured by the petitioners, and sold as certified or labeled seeds, are not subject to levy of market fee, and the demand notices, if any, issued therefore are set aside.

b. Vegetable seeds are not covered by the provisions of the Andhra Pradesh (Agricultural Produce and Livestock) Markets Act, 1966, and are not subject to levy of market fee.

c. Such part of the product, grown out of foundation seed, by a farmer, chosen by the seed manufacturers, as is not sold and used as seed, shall be liable to be levied the market fee. For this purpose, the Executive Heads of the Market Committees shall be entitled to require the Seed Manufacturers, operating within the notified area, to furnish the relevant particulars and take consequential steps.

Accordingly, the writ petition is disposed of. There shall be no order as to costs.

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N.V.RAMANA, J

Date: 28th March, 2005.

mrb

To

1 The Principal Secretary to Government, Agricultural Department, Hyderabad.

2. The Secretary Grade-II Agriculture Marketing Committee, Kishangunj, Hyderabad.

3. The Director-cum-Commissioner of Agriculture Marketing Committee, Burgula Ramakrishna Rao Building, Hyderabad.

4. All Agriculture Marketing Committees in the State of A.P., rep.by the Director-cum-commissioner Marketing, Hyderabad.

5. Two CCs to GP for Agriculture, High Court Buildings,

Hyderabad(OUT)

6. Two CD copies.